UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.3/49/L.53
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

Recalling its resolution 48/144 of 20 December 1993, in which it expressed its deep concern at flagrant violations of human rights by the Government of Iraq,

---

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recalling also Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq should cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, 3/ by which the Commission requested its Chairman to appoint a Special Rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent resolution, 1994/74 of 9 March 1994, 4/ by which the Commission extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its forty-ninth session and a final report to the Commission at its fifty-first session,

Recalling also Security Council resolutions 687 (1991) of 3 April 1991, 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Deeply concerned by the deterioration of the overall human rights situation in Iraq and the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression, of association and of access to food and health care,

Deeply concerned also by the forced displacement of hundreds of thousands of Iraqi civilians and by the destruction of Iraqi towns and villages, as well as by the fact that tens of thousands of displaced Kurds have had to take refuge in camps and shelters in the north of Iraq,

Deeply concerned further at the increasingly severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular in the southern marshes, where the combination of massive drainage projects and wide-ranging military operations on the part of the Iraqi Government has forced residents of the marshes to flee in large numbers, many of whom have sought refuge on the border between Iraq and the Islamic Republic of Iran,

---

3/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

4/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Welcoming the decision to deploy a team of human rights monitors to such locations as would facilitate improved information flows and assessment and help in the independent verification of reports on the situation of human rights in Iraq,

Regretting that the Government of Iraq has not seen fit to respond to requests for a visit of the Special Rapporteur on the situation of human rights in Iraq or to cooperate with him, in particular by failing to reply to the inquiries of the Special Rapporteur about acts being committed by the Government of Iraq that are incompatible with the international human rights instruments that are binding on that country,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights 5/ and the observations, conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights of the gravest nature, for which the Government of Iraq is responsible and to which the Special Rapporteur has referred in his recent reports, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and burials, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marshes;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of recent decrees prescribing cruel and unusual punishment, namely, mutilation as a penalty for certain offences and the abuse and diversion of medical care services for the purposes of such legalized mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrest and detention, including arrest and detention of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, expression and association and violations of property rights;

(f) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic and social rights of the population, especially with regard to the rights to food and health;

3. Condemns the repression of the Iraqi civilian population in general, and of the political opposition in particular;

5/ A/49/394, annex.

4. Deplores the refusal of Iraq to cooperate in the implementation of Security Council resolutions 706 (1991) and 712 (1991), which provide for the sale of oil in return for humanitarian aid, and its resultant failure to provide the Iraqi population with access to adequate food and health care;

5. Calls upon the Government of Iraq to resolve the cases of disappearances of Kuwaitis and nationals of other States by providing detailed information on all persons deported from or arrested in Kuwait between 2 August 1990 and 26 February 1991 and on those who were executed or died in detention during or after that period, as well as on the location of their graves, and also calls on the Government of Iraq in particular:

(a) To release immediately all Kuwaitis and nationals of other States that may still be held in detention;

(b) To improve substantially its cooperation with international humanitarian organizations in an effort to resolve the cases of disappeared Kuwaitis and nationals of other States;

(c) To pay appropriate compensation to the families of such persons who died while in custody of Iraqi authorities or for whom the Government of Iraq is responsible and has so far failed to account, through the mechanism established by Security Council resolution 692 (1991) of 20 May 1991;

6. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights 6/ and to the International Covenant on Civil and Political Rights, to abide by its obligations freely undertaken under the Covenants and under other international instruments on human rights and, particularly, to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

7. Recognizes the importance of the work of the United Nations in providing humanitarian relief to the people of Iraq, and calls upon Iraq to allow unhindered access of the United Nations humanitarian agencies throughout the country, including ensuring the safety of United Nations personnel and humanitarian workers, inter alia, through the continued implementation of the Memorandum of Understanding signed by the United Nations and the Government of Iraq;

8. Expresses special alarm at the repressive practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

9. Also expresses special alarm at the grave violations of human rights in southern Iraq, and urges the Government of Iraq to implement without further delay the recommendations made by the Special Rapporteur, including, inter alia, the immediate halting and reversal of the draining of the marshes and the

---

6/ See resolution 2200 A (XXI), annex.

cessation of its military activities against the marsh Arabs, whose survival as a community is endangered;

10. Welcomes the sending of human rights monitors to the border between Iraq and the Islamic Republic of Iran, and calls upon the Government of Iraq to allow immediate and unconditional stationing of human rights monitors throughout the country, especially the southern marsh area;

11. Once again expresses its special alarm at the continuation of all internal embargoes, which permit no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon the Government of Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq and to act to take advantage of the "food for oil" formula as set forth in Security Council resolutions 706 (1991) and 712 (1991);

12. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government fully to cooperate and to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights experts to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

14. Decides to continue its consideration of the situation of human rights in Iraq during its fiftieth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.